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May 30, 2007

**VIA ELECTRONIC FILING**

The Honorable Patti B. Saris  
United States District Court  
For the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way, Room 6130  
Boston, MA 02210

Re: The HipSaver Company, Inc. v. J.T. Posey Company  
U.S.D.C. D. Mass. Civil Action No. 05-10917  
Our File.: 02820/00502

Your Honor:

In yesterday's Final Pretrial Conference, HipSaver agreed to produce its 2006 invoices today. However, per the Court's direction and at the request of Posey, HipSaver and Posey attempted mediation with Magistrate Judge Bowler yesterday beginning at 4 P.M. and today from 2 P.M. to 4 P.M. Because the principals of HipSaver traveled to the Court each day to participate in mediation and spent hours in mediation, HipSaver is unable to produce these invoices by tonight, despite its best efforts.<sup>1</sup> Assuming no further request for mediation tomorrow, HipSaver will produce the 2006 invoices tomorrow, May 31st, as soon as possible.

Sincerely,



Courtney M. Quish

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<sup>1</sup> These same two principals are the only individuals who can access and organize the 2006 data.

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**CERTIFICATE OF SERVICE**

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish  
May 30, 2007

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